

## HOW CAN VICTIMS BE COMPENSATED FOR THEIR LOSS?

*Restitution* (payment of money from the offender for actual out-of-pocket costs of the victim) can be ordered by the sentencing judge as a condition of the juvenile's probation. Your request for restitution must be in writing. The Dakota County Attorney's Office will provide a form and assist you in preparing your restitution request. If you need additional information about restitution, please contact our Victim/Witness Program at 651-438-4567.

You or others may also be eligible for compensation for some of your economic loss from the *Minnesota Crime Victims Reparations Board*. Costs that may be covered by reparations include medical expenses, counseling costs, loss of income, child care services, loss of support, and burial expenses. Property damage or loss is *not* covered. Claims must be filed within three years of the injury with a few exceptions. The Dakota County Attorney's Office will assist you in applying for reparations or you may contact directly:

Minnesota Crime Victims Reparations Board

445 Minnesota Street, Suite 2300

St. Paul, Minnesota 55101-1515

651-282-6256

1-888-622-8799

TTY: 651-205-4827

Fax: 651-296-5787

<http://www.dps.state.mn.us/mccvrs/>

## CAN A JUVENILE'S PARENTS BE HELD LIABLE FOR REPAYING A VICTIM'S LOSSES?

The Juvenile Court cannot order the parents to pay restitution; it only has jurisdiction over the juvenile. Under Minnesota law, however, a parent or guardian of a juvenile may be held civilly responsible for injuries or damages caused by a juvenile's intentional acts up to \$1,000. A victim would have to initiate a separate lawsuit in conciliation or civil court against the parents.

## IMPORTANT PHONE NUMBERS

Dakota County Attorney's Office  
Victim/Witness Program 651-438-4438  
651-438-4567

Dakota County Court Administration  
Juvenile Division, Hastings 651-438-8203

Dakota County Sheriff's Office  
Criminal Division 651-438-4720

Dakota County Community Corrections  
(Probation)  
Hastings 651-438-8288  
Apple Valley 952-891-7200  
West St. Paul 651-544-6060  
Restitution Unit 651-554-6030  
Crime Repair Crew 952-891-7847  
Restorative Conferencing 952-891-7206

Juvenile Services Center 651-438-4950  
(Detention and Correctional Programming)

Crime Victims Reparations Board 651-282-6256  
Outside Metro Area 1-888-622-8799

Community Action Council's  
Sexual Assault Services 651-405-1500

United Way (Information & Referrals) 651-224-1133  
or 2-1-1

Dakota County Crisis Response 952-891-7171

Dakota County Social Services 952-891-7400  
TDD 952-891-7202

Dakota County Child Protection 952-891-7459

Dakota County MADD  
(Mothers Against Drunk Driving) 651-455-7192

Minnesotans for Safe Driving 952-238-0970

# Juvenile Court Prosecution

## Information for Crime Victims



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651- 438-4438  
Toll Free Outside Metro Area  
1-877-396-6382  
[www.co.dakota.mn.us/attorney](http://www.co.dakota.mn.us/attorney)

**The Dakota County Attorney's Office is responsible for prosecuting all crimes committed by juveniles that happen in Dakota County. To serve you, here are some answers to some common questions.**

### **WHAT HAPPENS NEXT?**

A person who is under 18 years of age when they commit a crime is considered a juvenile for prosecution. When a juvenile is charged by the County Attorney's Office or a citation is issued by a police officer, the juvenile offender is scheduled for a *First Appearance* in Court. Juvenile cases are often resolved at the First Appearance by the juvenile admitting to the offense (pleading guilty). The Judge will often decide the juvenile's disposition (sentence) at that same time.

If the juvenile does not admit to the offense at the First Appearance, a *Pretrial* hearing is scheduled. The juvenile may decide at the Pretrial hearing to admit to the offense. If not, the Judge will decide whether there is enough evidence for the case to go to *trial* and what evidence may be used in the trial. The trial is then scheduled, usually within a month.

The law requires counties to offer some offenders the option to participate in a *diversion program* rather than going through the court system. Certain first time property, alcohol, and other minor offenders may be eligible for a diversion program. To be eligible, the child must admit to committing the crime. These programs consist of an educational component and restitution to the victim, if any. The goals of diversion include creating an incentive for offenders to change their behavior, ensuring full and prompt payment of restitution to crime victims, holding offenders accountable to society, and reducing costs associated with the juvenile justice system. If the juvenile fails to successfully complete the diversion program, the juvenile will be required to appear in juvenile court to answer to the charges.

### **WHY ARE MANY OFFENDERS NOT HELD IN DETENTION CENTERS AFTER THEY HAVE BEEN ARRESTED AND CHARGED?**

Under the law, offenders are presumed innocent until proven guilty. Law enforcement officers may take a juvenile into custody when they suspect that the juvenile has committed a crime. Depending on the circumstances, a juvenile may be released to a parent, detained in a non-secure shelter or detained in a locked detention facility. If the court determines that a juvenile is unlikely to appear at future court dates, will not remain in the care and control of the parent or guardian, or is a threat to public safety, the juvenile may be held in detention. If the juvenile is released, special conditions of release, such as no contact with the victim, may be imposed. You should notify the prosecutor of any concerns you have regarding a juvenile's release or known violations of release conditions.

### **WILL THIS CASE GO TO TRIAL?**

Less than five percent of juvenile cases go to trial. In most cases, the juvenile pleads guilty. A *plea negotiation* is an agreement between the prosecutor and defense attorney to settle a case by an admission or other appropriate disposition without a trial. A plea negotiation is a way of settling criminal or juvenile cases whenever it appears that the interests of the public, the victim, and the effective administration of justice will be served without a trial.

### **WILL YOU HAVE TO TESTIFY?**

Testimony of victims is usually not required until a trial. The case may be settled through plea negotiations and then no testimony from victims or witnesses is necessary. If your testimony is needed, you will receive a subpoena or notice to appear telling you where and when to appear. Additional information will be sent to you to help you prepare for your court appearance. Our Victim/Witness Program will provide support and information.

### **ARE JUVENILE COURT HEARINGS CONFIDENTIAL OR CAN YOU ATTEND?**

While many juvenile court hearings are confidential and not open to the public, *crime victims* may attend. If a juvenile is age 16 or 17 and charged with a felony-level crime, the hearings are open to the public.

### **WHAT HAPPENS IF THE JUVENILE ADMITS (PLEADS GUILTY)?**

The Judge may impose a disposition (sentence) immediately or may order a pre-disposition study to be done, in which case the disposition would occur at a later date. The County Attorney, defense attorney, Community Corrections (probation), the juvenile's parents and the victim may express their recommendations to the Court prior to disposition as a part of a pre-disposition study. Since juvenile cases may settle at the First Appearance or at any other court hearing, victims who wish to be present and participate may wish to arrange to attend each hearing. Victims have the right to present a *victim impact statement* at the disposition, either orally or in writing, at the victim's choice.

### **WHEN MIGHT A JUVENILE BE CONSIDERED EXTENDED JURISDICTION OR BE PROSECUTED AS AN ADULT?**

Some juveniles who are 14 years of age or older and who are charged with more serious offenses may be prosecuted under Minnesota's *extended jurisdiction* law. If the youth is convicted, this law extends the jurisdiction of the juvenile court over the youth until age 21 and also results in an adult sentence being imposed. The adult sentence is initially stayed (put on hold). If the juvenile violates the terms of the juvenile court disposition or commits a new crime, a judge may impose this adult sentence. Some juveniles charged with more serious crimes may also be prosecuted in *adult court*. If so, adult court procedures apply and an adult sentence would be imposed if the juvenile is convicted.